

**CHAPTER 618**  
**City of Strongsville: Animals**

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**CROSS REFERENCES**

See section histories for similar State law

Power to restrain and impound animals - see Ohio R.C. 715.23

Driving animals upon roadway - see TRAF. [404.04](#), [412.05](#)

Definitions generally - see GEN. OFF. [606.01](#)

Offensive odors from places where animals are kept or fed - see GEN. OFF. [660.04](#)

### **618.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.**

(a) No person who is the owner or keeper of horses, mules, cattle, sheep, goats, swine, dogs, geese or other fowl or animals shall permit them to run at large upon any public way or upon unenclosed land.

(b) No owner, keeper or harbinger of any female dog shall permit such dog to go beyond the premises of such owner or keeper at any time such dog is in heat, unless such dog is properly in leash.

(c) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(ORC 951.02)

(d) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section [698.02](#).

(e) Whoever violates subsection (b) hereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for a first offense. For each subsequent offense, such person shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than thirty days.

(Ord. 2002-239. Passed 2-3-03.)

**618.02 ABANDONING ANIMALS.**

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal.  
(ORC 959.01)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.  
(ORC 959.99)

**618.03 HARMING OR OBSTRUCTING ANIMALS USED IN LAW ENFORCEMENT.**

(a) No person, without privilege to do so, shall taunt, torment, tease, beat, strike, torture, mutilate, injure or kill any animal while it is being used in the performance of law enforcement functions or duties of any public agency or official.

(b) No person, without privilege to do so, and with purpose to prevent, obstruct, or delay the performance of law enforcement duties of a public agency or official, shall do any act which hinders, hampers, impedes, or interferes with any animal while it is being used in the performance of law enforcement functions or duties of any public agency or official.

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the first degree. Whoever violates subsection (b) hereof is guilty of a misdemeanor of the second degree.  
(Ord. 1991-204. Passed 11-18-91.)

#### **618.04 POISONING ANIMALS.**

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to any animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his or her own lands or the lands of another.

(ORC 959.03.)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section [698.02](#).

(ORC 959.99(C).)

## **618.05 CRUELTY TO ANIMALS GENERALLY.**

(a) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(ORC 959.99(D))

Punishment shall be as provided in Section [698.02](#).

## **618.051 CRUELTY TO COMPANION ANIMALS.**

(a) As used in this section:

(1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. "Companion animal" does not include livestock or any wild animal.

(2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.

(3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.

(4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.

(5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.

(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

(7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(d) No owner, manager or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:

(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;

(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;

(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;

(4) The use of common training devices, if the companion animal is being treated in accordance with

usual and commonly accepted practices for the training of animals;

(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.

(ORC 959.131)

(f) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.

(4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

**618.06 SALE, DISPLAY, COLORING OR OFFERING OF LIVE ANIMALS.**

(a) No person shall offer to give any live animal as a prize or business inducement.

(b) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

(c) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section [698.02](#).

(Ord. 1995-190. Passed 10-16-95.)

### **618.07 BARKING OR HOWLING ANIMALS.**

(a) No person shall keep or harbor any animal or fowl within the Municipality which, by frequent and habitual barking, howling, yelping, biting, quacking or crowing, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who allows any dog habitually to remain or be lodged or fed within any dwelling, building, yard or enclosure, which he or she occupies or owns, shall be considered to be harboring such dog.

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section [698.02](#).

**618.08 REGISTRATION OF DOGS REQUIRED.**

(a) No owner, keeper or harbinger of a dog more than three months of age, nor owner of a dog kennel, shall fail to file an application for registration required by Ohio R.C. 955.01, nor shall he or she fail to pay the legal fee therefor.

(ORC 955.21.)

(b) Whoever violates this section shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for a first offense. For each subsequent offense, such person shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred Fifty dollars (\$250.00) and may be imprisoned for not more than thirty days.

(ORC 955.99(D).)

**618.09 HINDERING CAPTURE OF UNREGISTERED DOG.**

(a) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unregistered dog or making an examination of a dog wearing a tag.

(ORC 955.24.)

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section [698.02](#).

(ORC 955.99(A).)

**618.10 UNLAWFUL TAGS.**

(a) No person shall own, keep or harbor a dog wearing a fictitious, altered or invalid registration tag or a registration tag not issued by the County Auditor in connection with the registration of such animal.  
(ORC 955.25.)

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section [698.02](#).  
(ORC 955.99 (A).)

### **618.11 RABIES QUARANTINE.**

(a) Whenever it is established that any animal has bitten any person, or shows any signs of having rabies, the owner or person having custody or possession of such animal or a duly designated member of the safety forces shall immediately cause such animal to be examined by a licensed veterinarian and, upon order of the Director of Public Safety, the Animal Warden and/or a police officer, shall quarantine such animal in premises or quarters as directed in such order for a period of ten days from the date of such order. At any time during the quarantine, the Director of Public Safety, the Chief of Police and/or the Animal Warden may order such animal to be examined for symptoms of rabies by a licensed veterinarian. All costs of quarantine and examination shall be borne by the owner or person having custody of such animal.

(b) If the owner or person having custody or possession of such animal fails to have such animal examined or fails to comply with a quarantine order provided for in subsection (a) hereof within six hours after such order has been issued and served upon such owner or person having custody or possession, any police officer or the Animal Warden of the City may take such animal into custody and place the same in quarantine at the expense of the owner or person having custody or possession of such animal.

(Ord. 1983-94. Passed 11-21-83.)

(c) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section [698.02](#).

## **618.12 HUNTING OR TRAPPING PROHIBITED.**

(a) No person shall hunt or trap animals or fowl within the Municipality, except that law enforcement officers, health officials, persons possessing a nuisance trapping permit issued by the Division of Wildlife of the State of Ohio, and a resident using a live box trap trapping on property which he owns or permanently occupies may trap wildlife or animals constituting a nuisance; and except as provided in division (c) of this Section.

(b) A person holding a nuisance trapping permit issued by the Division of Wildlife of the State of Ohio shall:

- (1) Notify the Animal Control Officer or the Police Department of his name, the location and time of placement of each trap placed in the Municipality prior to setting any such trap;
- (2) Use a box trap or a trap approved by the Division of Wildlife of the State of Ohio; and
- (3) Release such animal outside the City limits within twenty-four hours of trapping or in accordance with State of Ohio, Division of Wildlife regulations.

(Ord. 2016-101. Passed 6-6-16.)

(c) The limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:

(1) The Chief of Police or his designated representative may, in his sole discretion, issue a Municipal Deer Control Permit to a qualified archer applicant (engaged to assist property owners aggrieved by deer damage) only as a corollary to and following the issuance by the ODNR of either its own Deer Damage Control Permit or hunting license, if applicable under State ODNR regulations, for the applicable white-tailed deer hunting season to allow only bow-hunting (long bow and crossbow) of white-tailed deer.

(2) The Municipal Deer Control Permit shall be limited to areas of not less than three (3) contiguous acres by a qualified archer(s), on such forms and subject to such rules and regulations as the Chief of Police may prescribe.

(3) Hunting shall be conducted from an elevated platform only.

(4) Written permission from the property owner(s) must be obtained.

(5) A qualified archer shall be defined as an individual having obtained a valid Ohio hunting license, if applicable, and all other applicable State requirements.

(6) Compliance with all laws, rules and regulations of the City and State is required.

(7) All applicants shall agree, in writing, to defend, indemnify and hold harmless the City for any negligent acts committed by the applicant.

(8) Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents shall be determined solely by the Chief of Police.

(9) The Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provisions of this section, and all other rules and regulations necessary to insure public health and safety, all of which shall be published.

(10) Nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief of Police.

(11) In order to defray the expenses incurred with the management of this program, a fee of thirty-five dollars (\$35.00) per each qualified archer applicant is established and must accompany any application for the Municipal Deer Damage Control Permit.

(Ord. 2017-134. Passed 7-17-17.)

(d) Whoever violates any provision of divisions (a) or (b) of this Section is guilty of a minor misdemeanor. Whoever violates division (c) shall be guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section [698.02](#).

(Ord. 2016-101. Passed 6-6-16.)

### **618.13 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(b) Any animal which, by barking, biting, howling or in any other way or manner, injures or disturbs the quiet of any person, or destroys or damages any lawn, tree, shrub, plant, building or other property, other than the property of the owner or person in charge or control of such animal, by scratching, digging, running, defecating, urinating or otherwise, is hereby declared to be a nuisance. No person, being the owner or in charge or control of any animal, shall permit such animal to be or create such nuisance.

(c) No person, being the owner or in charge or control of any animal, shall continue to keep or harbor within the City any animal which is or creates a nuisance as described in subsection (b) hereof, unless such animal is confined or otherwise kept under such strict control as to abate the nuisance.

(d) No person shall provide food for or feed any stray dog, cat or other wildlife, including but not limited to, birds, water fowl, raccoons, opossums, skunks, rabbits, deer, and coyotes so as to create an unsanitary condition; cause inconvenience, discomfort, or damage to another; or endanger the comfort, repose, health, or safety of others; or in any way render other persons insecure in life or in the use of their property.

(e) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense. Punishment shall be as provided in Section [698.02](#).

(Ord. 2008-202. Passed 9-15-08.)

#### **618.14 IMPOUNDING AND DISPOSITION; FEES.**

Any dog warden, police officer or person appointed by the Mayor shall have the authority to impound any dog which, by loud and frequent or habitual barking, howling or yelping causes annoyance or disturbance to the residents, and any dog found running at large in violation of Section [618.01](#). A dog so impounded, if licensed, shall be returned to his owner upon payment of twenty-five dollars (\$25.00) for picking up and impounding such dog, plus ten dollars (\$10.00) per day for keeping such dog. If such dog is not licensed, it shall be held three days, after which time it shall be delivered to the County Animal Warden or disposed of in a manner prescribed by the Service Director.

(Ord. 2010-149. Passed 10-4-10.)

### **618.15 REPORTING ESCAPES.**

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his or her custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he or she discovers or reasonably should have discovered the escape, report it to:

- (1) A law enforcement officer of the Municipality and the County Sheriff; and
- (2) The Clerk of the Municipality.

(b) If the office of the Clerk of the Municipality is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with paragraph (a)(2) hereof if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section [698.02](#).

(ORC 2927.21.)

**618.16 ANIMAL OWNER LIABLE FOR DAMAGE TO PUBLIC PROPERTY.**

The owner, keeper or harbinger of any animal which damages or destroys park or public property shall be held liable for the full value of the property damaged or destroyed in addition to any penalty imposed for a violation of this chapter.

(Ord. 1969-63. Passed 4-21-69.)

**618.17 TRANSFER OF OWNERSHIP OR POSSESSION OF DOG; CLASSIFICATION AS DANGEROUS, NUISANCE OR VICIOUS DOG; COURT HEARING; APPEAL.**

(a) As used in this section:

(1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection [618.17\(a\)\(1\)B.](#) of this section, has done any of the following:

1. Caused injury, other than killing or serious injury, to any person;
2. Killed another dog;
3. Been the subject of a third or subsequent violation of division (C) of Section 955.22 of the Ohio Revised Code [Section [618.18\(b\)](#) of this Chapter].

B. "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(Ord. 2012-078. Passed 6-4-12.)

(3) A. Subject to subsection (a)(3)B hereof, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harbinger has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person, or has bitten or caused serious physical harm to another dog or cat.

B. "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

(Ord. 2012-194. Passed 11-19-12.)

(4) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(5) "Serious injury" means any of the following:

- A. Any physical harm that carries a substantial risk of death;
- B. Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
- C. Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
- D. Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

(6) A. "Vicious dog" means a dog that, without provocation and subject to subsection [618.17\(a\)\(6\)B.](#), has killed or caused serious injury to any person.

B. "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;
2. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.

(7) "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(b) Designation as Nuisance Dog, Dangerous Dog or Vicious Dog; Court Hearing and Appeal.

(1) The Berea Municipal Court or Cuyahoga County Common Pleas Court having territorial jurisdiction over the residence of the owner, keeper, or harbinger of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.

(2) If the City's Animal Control Officer has reasonable cause to believe that a dog in the City's jurisdiction is a nuisance dog, dangerous dog, or vicious dog, the Animal Control Officer shall notify the owner, keeper, or harbinger of that dog, by certified mail or in person, of both of the following:

A. That the Animal Control Officer has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable;

B. That the owner, keeper, or harbinger of the dog may request a hearing regarding the designation in accordance with this section. The notice shall include instructions for filing a request for a hearing in Cuyahoga County in which the dog's owner, keeper, or harbinger resides.

(3) If the owner, keeper, or harbinger of the dog disagrees with the designation of the dog as a nuisance dog, dangerous dog, or vicious dog, as applicable, the owner, keeper, or harbinger, not later than ten days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the Berea Municipal Court or Common Pleas Court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harbinger. At the hearing, the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a nuisance dog, dangerous dog, or vicious dog. The owner, keeper, or harbinger of the dog or the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog may appeal the court's final determination as in any other case filed in that court.

(4) A court, upon motion of an owner, keeper, or harbinger or an attorney representing the owner, keeper, or harbinger, may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harbinger until the court makes a final determination under this section or during the pendency of an appeal, as applicable. Until the court makes a final determination and during the pendency of any appeal, the dog shall be confined or restrained in accordance with the provisions of division (D) of Section 955.22 of the Ohio Revised Code [Section [618.18\(c\)](#) of this Chapter] that apply to dangerous dogs regardless of whether the dog has been designated as a vicious dog or a nuisance dog rather than a dangerous dog. The owner, keeper, or harbinger of the dog shall not be required to comply with any other requirements established in the Ohio Revised Code or the City's Codified Ordinances that concern a nuisance dog, dangerous dog, or vicious dog, as applicable, until the court makes a final determination and during the pendency of any appeal.

(5) If a dog is finally determined under this section, or on appeal as described in this section, to be a vicious dog, division (D) of Section 955.11 [Section [618.17\(f\)](#) of this Chapter] and divisions (D) to (I) of Section 955.22 of the Ohio Revised Code [Sections [618.18\(c\)-\(g\)](#) of this Chapter] apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog, and Section 955.54 of the Ohio Revised Code applies with respect to the dog as if it were a dangerous dog, and the court shall issue an order that specifies that those provisions apply with respect to the dog and the owner, keeper, or harbinger in that manner. As part of the order, the court shall require the owner, keeper, or harbinger to obtain the liability insurance required under division (E)(1) of Section 955.22 of the Ohio Revised Code in an amount described in division (H)(2) of Section 955.99 of the Ohio Revised Code.

(6) As used in this section, "nuisance dog," "dangerous dog," and "vicious dog" have the same meanings as in Section [618.17\(a\)](#) of this Chapter.

(c) (Intentionally omitted)

(d) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the Cuyahoga County Fiscal Officer. A transfer of ownership shall be recorded by the Cuyahoga County Fiscal Officer upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee as required by the Cuyahoga County Fiscal Officer.

(e) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

(f) Within ten days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous dog, the seller or other transferor shall give to the buyer or other transferee, the Cuyahoga County Board of Health, and the Cuyahoga County and City of Strongsville dog wardens, a completed copy of a written form on which the seller shall furnish the following information:

- (1) The name and address of the buyer or other transferee of the dog;
- (2) The age, sex, color, breed, and current registration number of the dog.

In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

“Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred.”

“Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred.”

“Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred.”

The dog warden shall furnish the form to the seller at no cost.

(g) No seller or other transferor of a dog shall fail to comply with the applicable requirements of subsections [618.17\(d\)](#) to (f).

(h) Whoever violates subsection [618.17\(g\)](#) because of a failure to comply with subsection [618.17\(d\)](#) is guilty of a minor misdemeanor.

Whoever violates subsection [618.17\(g\)](#) because of a failure to comply with subsection [618.17\(e\)](#) or (f) is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(Ord. 2012-078. Passed 6-4-12.)

**618.18 CONFINEMENT OR RESTRAINT OF DOG; LIABILITY INSURANCE;  
DEBARKING OR SURGICALLY SILENCING DOG.**

- (a) As used in this section, “dangerous dog” has the same meanings as set forth in Section [618.17](#).
- (b) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of any dog shall fail at any time to do the following:
- (1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harborer by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape.
  - (2) Keep the dog under the reasonable control of some person.
- (c) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of a dangerous dog shall fail to do the following:
- (1) While that dog is on the premises of the owner, keeper, or harborer, securely confine it at all times in a locked pen that has a top, locked fence yard, or other locked enclosure that has a top;
  - (2) While that dog is off the premises of the owner, keeper, or harborer, keep that dog muzzled and on a chain-link leash or tether that is not more than six feet in length, and additionally do at least one of the following:
    - A. Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top; and/or
    - B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person.
- (d) No person who has been convicted of or pleaded guilty to three or more violations of subsection (c) hereof involving the same dog and no owner, keeper, or harborer of a dangerous dog shall fail to do the following:
- (1) Obtain liability insurance with an insurer authorized to write liability insurance in this State and in proper form, providing coverage for each occurrence, because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court; and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section;
  - (2) Obtain a dangerous dog registration certificate from the county fiscal officer pursuant to this section, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;
  - (3) Notify the City's animal control officer immediately if any of the following occurs:
    - A. The dog is loose or unconfined.
    - B. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.
    - C. The dog attacks another animal while the dog is off the property of the owner of the dog.
  - (4) If the dog is sold, given to another person, or dies, notify the county fiscal officer within ten days of the sale, transfer, or death.
- (e) No person shall do any of the following:
- (1) Debark or surgically silence a dog that the person knows or has reason to believe is a dangerous dog;
  - (2) Possess a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;
  - (3) Falsely attest on a waiver form provided by the veterinarian under subsection [618.18\(f\)](#) that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.
- (f) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a dangerous dog. The written waiver form shall include all of the following:
- (1) The veterinarian's license number and current business address;
  - (2) The number of the license of the dog if the dog is licensed;
  - (3) A reasonable description of the age, coloring, and gender of the dog as well as any notable

markings on the dog;

(4) The signature of the owner of the dog attesting that the owner's dog is not a dangerous dog;

(5) A statement that subsection [618.18\(e\)](#) prohibits any person from doing any of the following:

A. Debarking or surgically silencing a dog that the person knows or has reason to believe is a dangerous dog;

B. Possessing a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

C. Falsely attesting on a waiver form provided by the veterinarian under subsection [618.18\(f\)](#) that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(g) It is an affirmative defense to a charge of a violation of subsection [618.18\(e\)](#) that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with subsection [618.18\(f\)](#) and that attests that the dog is not a dangerous dog.

(h) The owner of a dangerous dog shall present the required County dangerous dog registration certificate upon request of the City's animal control officer. Whoever violates this subsection is guilty of a minor misdemeanor.

(i) Whoever violates subsection [618.18\(b\)](#) that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, shall be fined not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars (\$75.00) or more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than thirty days.

Whoever violates Subsection [618.18\(b\)](#) that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or pleading guilty to a third violation of division (b) of Section [618.18](#) involving the same dog, the Court shall require the offender to register the involved dog as a dangerous dog.

In addition to the penalties prescribed in subsection [618.18\(i\)](#) above, if the offender is guilty of a violation of subsection [618.18\(b\)](#), the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(j) If a violation of subsection [618.18\(b\)](#) or (c) involves a dangerous dog, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection [618.18\(d\)](#). The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the County dog warden, or the County humane society at the owner's expense. A separate offense shall be deemed committed each day during or on which a violation of subsection [618.18\(c\)](#) occurs or continues. With respect to a violation of division (b) of Section [618.18](#) that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division, and at the discretion of the City's animal control officer, the dog shall be confined or restrained in accordance with division (c) of Section [618.18](#), or at the County dog pound at the owner's expense.

(k) If a violation of subsection [618.18\(b\)](#) involves a vicious dog, whoever violates that subsection is guilty of one of the following:

(1) A felony of the fourth degree if the dog kills a person. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the County dog warden, or the County humane society at the owner's expense.

(2) A misdemeanor of the first degree if the dog causes serious injury to any person. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the County dog warden, or the County humane society at the owner's expense.

(3) A misdemeanor of the first degree for all other offenses.

A separate offense shall be deemed committed each day during or on which a violation of subsection [618.18\(b\)](#) occurs or continues.

Until the court makes a final determination and during the pendency of any appeal of a violation of Section [618.18\(b\)](#) of this Chapter or Ohio Revised Code 955.22(C), and at the discretion of the dog warden or animal control officer, the dog shall be confined or restrained in accordance with division (c) of Section [618.18](#), or at the County dog pound at the owner's expense.

(l) Whoever violates subsection (d)(2) of Section [618.18](#) of this Chapter or Ohio Revised Code Section

955.22(E)(2) is guilty of a misdemeanor of the fourth degree. Whoever violates subsections (d)(1), (3) or (4) of Section 618.18 of this Chapter [divisions (E)(1), (3), or (4) of Section 955.22 of the Ohio Revised Code] is guilty of a minor misdemeanor.

(m) Whoever violates subsection [618.18](#)(e)(1), (2), or (3) is guilty of a felony of the fourth degree. Additionally, the court shall order that the vicious dog involved in the violation be humanely destroyed by a licensed veterinarian, the County dog warden, or the County humane society. Until the Court makes a final determination and during the pendency of any appeal of a violation of division (F)(1), (2) or (3) of Section 955.22 of the Ohio Revised Code [or Sections [618.18](#)(e)(1), (2), or (3) of this Chapter] and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (D) of Section 955.22 of the Ohio Revised Code [division (c) of Section [618.18](#) of this Chapter] or at the County dog pound at the owner's expense.

(n) (1) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after the effective date of this section or a felony violation of any provision of Chapter 959, 2923, or 2925 of the Ohio Revised Code or any parallel or equivalent offense of these Codified Ordinances committed on or after the effective date of this section shall knowingly own, possess, have custody of, or reside in a residence with either of the following for a period of three years commencing either upon the date of release of the person from any period of incarceration imposed for the offense or violation or, if the person is not incarcerated for the offense or violation, upon the date of the person's final release from the other sanctions imposed for the offense or violation:

- A. An unspayed or unneutered dog older than twelve weeks of age.
- B. Any dog that has been determined to be a dangerous dog under Chapter 955 of the Ohio Revised Code.

(2) A person described in division (n)(1) of this section shall microchip for permanent identification any dog owned, possessed by, or in the custody of the person.

(3) A. Division (n)(1) of this section does not apply to any person who is confined in a correctional institution of the department of rehabilitation and correction.

B. Division (n)(1) of this section does not apply to any person with respect to any dog that the person owned, possessed, had custody of, or resided in a residence with prior to the effective date of this section.

(4) Whoever violates divisions (1) or (2) of this subsection [618.18](#)(n) [divisions (A) or (B) of Ohio Revised Code Section 955.54] is guilty of a misdemeanor of the first degree.

(Ord. 2012-078. Passed 6-4-12.)

### **618.19 VICIOUS ANIMALS.**

In addition to the penalties provided in this chapter, the Municipal Court may order the owner or person in possession of any animal which is determined by the Court to be vicious or a perennial or continued nuisance, or which constitutes a serious threat to the health and safety of the community, to forthwith remove such animal from the City. If such animal is not removed from the City in compliance with such order, the Court may order the Chief of Police to cause such animal to be impounded or destroyed.

(Ord. 1969-56. Passed 3-3-69.)

**618.20 DOGS WITH BLIND, DEAF OR MOBILITY IMPAIRED PERSONS.**

(a) When a blind, deaf or mobility impaired person is accompanied by a dog that serves as a guide, leader, listener or support dog for him or her, and he or she can show proof by certificate or other means that the dog leading him or her, listening for him or her or providing support or assistance for him or her, has been trained for that purpose by a nonprofit special agency engaged in such work, the person is entitled to the full and equal accommodations, advantages, facilities and privileges of all public conveyances, hotels, lodging places, all places of public accommodation, amusement or resort, and other places to which the general public is invited, and may take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, except that:

(1) The dog shall not occupy a seat in any public conveyance.

(2) The dog shall be upon a leash while using the facilities of a common carrier.

(b) No person shall deprive a blind, deaf or mobility impaired person of any of the advantages, facilities or privileges provided in subsection (a) hereof nor charge the blind, deaf or mobility impaired person a fee or charge for the dog.

(ORC 955.43.)

(c) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section [698.02](#).

(ORC 955.99(C).)

### **618.21 EXCEPTIONS.**

The provisions of this chapter do not prohibit the use of any trap, mechanical or electronic device, poison or other substance specifically designed and manufactured to kill, control or repel rats, mice or moles, by or with the consent of the owner or occupant of the property where any such device or substance is to be used, provided that each user complies with the manufacturer's instructions for use and places any such device or substance in a manner which will prevent potential harm that may be inflicted on people or other animals. (Ord. 1992-175. Passed 11-2-92.)

## **618.22 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.**

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

(1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.

(2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

(b) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike a police dog or horse;

(2) Throw an object or substance at a police dog or horse;

(3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:

A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;

B. Deprives the law enforcement officer of control of the police dog or horse;

C. Releases the police dog or horse from its area of control;

D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;

E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.

(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

(1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.

(2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.

(d) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike an assistance dog;

(2) Throw an object or substance at an assistance dog;

(3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:

A. Inhibits or restricts the assisted or served person's control of the dog;

B. Deprives the assisted or served person of control of the dog;

C. Releases the dog from its area of control;

D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;

E. Inhibits or restricts the ability of the dog to assist the assisted or served person.

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.

(e) (1) Whoever violates subsection (a) hereof is guilty of assaulting a police dog or horse. If the

violation results in physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the police dog or horse, such violation is a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (b) hereof is guilty of harassing a police dog or horse. Except as otherwise provided in this subsection, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse or if the violation results in serious physical harm to the police dog or horse but does not result in its death, harassing a police dog or horse is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree.

(3) Whoever violates subsection (c) hereof is guilty of assaulting an assistance dog. If the violation results in physical harm to the dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the dog, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the dog, such violation is a felony and shall be prosecuted under appropriate State law.

(4) Whoever violates subsection (d) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this subsection, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in the death of or serious physical harm to the assistance dog but does not result in its death, harassing an assistance dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the assistance dog but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.

(5) In addition to any other sanction or penalty imposed for the offense under this section, whoever violates subsection (a), (b), (c) or (d) of this section is responsible for the payment of all of the following:

A. Any veterinary bill or bill for medication incurred as a result of the violation by the Police Department regarding a violation of subsection (a) or (b) of this section or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of subsection (c) or (d) of this section;

B. The cost of any damaged equipment that results from the violation;

C. If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;

D. If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or horse or the assistance dog or horse that was the subject of the violation to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

(f) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. Chapter 4741.

(g) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or assistance dog.

(h) As used in this section:

(1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

(2) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.

(3) "Serious physical harm" means any of the following:

- A. Any physical harm that carries a substantial risk of death;
  - B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;
  - C. Any physical harm that causes acute pain of a duration that results in substantial suffering.
- (4) "Assistance dog", "blind", and "mobility impaired person" have the same meanings as in Ohio R.C. 955.011.  
(ORC 2921.321)

**618.23 POULTRY.**

(a) As used in this Section, "Poultry" means any domesticated fowl collectively, including but not limited to any chickens, turkeys, ducks and geese.

(b) No person shall keep or raise any poultry within the City of Strongsville unless all of the following conditions are met:

(1) An accessory structure such as a pen, coop or other enclosure, with a fixed location secured to the ground, shall be required for the keeping or harboring of poultry;

(2) Such pen, coop or other enclosure shall contain or be within or contiguous to an attached area surrounded by a fence, at least eighteen (18) inches in height, to allow the poultry to exercise ("poultry exercise area");

(3) Such pen, coop or other enclosure, including the fenced exercise area, shall meet the requirements of all building and zoning laws;

(4) Such pen, coop or other enclosure, shall not be dilapidated;

(5) Such pen, coop or other enclosure, including the adjacent yard area, shall be kept in a sanitary condition as determined by the Animal Control Officer or any inspector from the Building Department. As used herein, the term, "sanitary condition" means a condition that does not destroy the lawn or yard area, allow flies to breed, cause an odor offensive to an adjacent residence or business property or cause or allow the poultry to become ill;

(6) Such pen, coop, other enclosure or poultry exercise area shall be in compliance with Chapter [1432](#) of the Strongsville Codified Ordinances and Section [1252.03](#)(e)(1) of the Strongsville Codified Ordinances;

(7) There shall only be one pen, coop or other enclosure, for the keeping or harboring poultry permitted on a property;

(8) Any poultry, while on the premises of its owner or custodian, shall be confined in such pen, coop, other enclosure or poultry exercise area.

(9) Any poultry raised or kept within the City of Strongsville shall only be permitted on a lot of not less than 20,000 square feet in area.

(10) There shall be no more than twelve (12) poultry kept or harbored on property that is at least twenty thousand (20,000) square feet in area. If the property area exceeds one (1) acre in size, no more than twenty-four (24) poultry may be kept on the property; and

(11) There shall be no roosters kept or harbored on the property.

(c) On the effective date of this Ordinance, any property owner who keeps or harbors more than the maximum number of poultry permitted by this Ordinance shall provide written notice, on a form provided by the City of Strongsville, to the City of Strongsville Animal Control Officer, of the property address and number of poultry on the property. Such written notice shall be submitted no later than April 15, 2017. Following receipt of this notice, the Animal Control Officer shall inspect the property to confirm the number of poultry. Should the Animal Control Officer discover any violation during this inspection, the Animal Control Officer shall notify the property owner immediately. Upon confirmation of the number of poultry by the Animal Control Officer, the property owner shall reduce the quantity of poultry pursuant to the following schedule:

Lot Size	Maximum Number of Poultry by December 31, 2017	Maximum Number of Poultry by December 31, 2018
More than 20,000 square feet but less than 1 acre	18	12
More than 1 acre	36	24

Any property owner who does not provide written notice to the City of Strongsville Animal Control Officer by April 15, 2017 of the number of poultry on a property, shall be presumed to be keeping or harboring a quantity of poultry at or below the maximum quantity permitted by this Ordinance and such property owner will be required to be in compliance with the maximum quantity permitted by this Ordinance by April 16, 2017.

Nothing in this subsection or any other subsection shall be interpreted as allowing any violations of this Ordinance after its effective date.

(d) Whoever violates any provisions of this Section shall be guilty of a misdemeanor of the fourth degree.

(e) Any violation of any provision of this Section shall be considered a nuisance, and in addition to any penalties provided herein, the nuisance may be abated by the City of Strongsville pursuant to Section [606.28](#) of the Codified Ordinances of the City of Strongsville.

(Ord. 2016-244. Passed 12-19-16.)